

I.R.C.P. 50.c. Motion for Judgment Notwithstanding Verdict - Conditional Rulings on Granted Motions.

Idaho Rules of Civil Procedure Rule 50(c). Motion for Judgment Notwithstanding Verdict - Conditional Rulings on Granted Motions.

(1) If the motion for judgment notwithstanding the verdict, provided for in subdivision (b) of this rule, is granted, the court shall rule on the motion for new trial by determining whether it should be granted if the judgment is thereafter vacated or reversed. If the motion for new trial is thus conditionally granted, the court shall specify the grounds therefor, and such an order does not affect the finality of the judgment. In case the motion for new trial has been conditionally granted and the judgment is reversed on appeal, the new trial shall proceed unless the appellate court shall have otherwise ordered. In case the motion for new trial has been conditionally denied and the judgment is reversed on appeal, subsequent proceedings shall be in accordance with the order of the appellate court. An appeal from a judgment granting or denying a motion for judgment notwithstanding the verdict presents for review all reviewable error against either the appellant or appellee.

(2) The party whose verdict has been set aside on motion for judgment notwithstanding the verdict may, not later than ten days after entry of judgment, serve a motion for a new trial, which shall be conditionally granted or denied, with the consequences stated in section (1) of this subdivision.

(3) Any party who fails to make a motion for a new trial as provided in sections (1) and (2) of this subdivision shall be deemed to have waived the right to apply for a new trial.

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